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S E C R E T SECTION 01 OF 02 ABUJA 000101

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AMEMBASSY YAOUNDE PASS TO AMEMBASSY MALABO

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SUBJECT: TOUGH DECISIONS AHEAD FOR FEDERAL EXECUTIVE COUNCIL ON  
PRESIDENT YAR'ADUA

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Abuja, Political Section; REASON: 1.4(B), (D)

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TOUGH DECISION'S AHEAD FOR FEDERAL EXECUTIVE COUNCIL ON PRESIDENT  
YAR'ADUA

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SUMMARY  
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¶1. (S/NF) Following a High Court order to the Federal Executive Council (FEC) that the FEC had two weeks to demonstrate to the nation that President Yar'Adua could continue in office, the FEC (an expanded cabinet) will hold its weekly meeting on January 27 to weigh its options amid a swirl of competing political currents. The Senate remains divided, with members of one camp pushing for a delegation to visit Jeddah to see Yar'Adua for themselves. Pressure for Yar'Adua to step aside is growing, unfazed by local media reports -- backed by similar assertions to us from Yar'Adua confidants and reporting in other channels -- that Yar'Adua's condition has marginally improved and that he might be stable enough to travel to Nigeria in the near future. Even if he does return, few expect he could withstand the rigors of office. The Nigerian Army's top two leaders reiterated to Mission officers that the military has no interest in politics. The "mega-party" opposition movement may officially announce its formation January 30. END SUMMARY.

¶2. (SBU) On January 23, an Abuja High Court Judge, who had ruled earlier that Vice President Jonathan could assume presidential powers without the title of Acting President, set a two-week deadline for the FEC to formulate a stark conclusion about the president's capacity: Yar'Adua is fit and not "permanently incapacitated;" or Yar'Adua should resign or face an impeachment process. The Senate has no Constitutional authority until it receives a recommendation from the FEC.

13. (S/NF) Rumors persist that President Yar'Adua could return to Nigeria in the near future, according to ministerial contacts, the local press, Yar'Adua confidants, and reporting in other channels. The Nigerian Ambassador to Saudi Arabia told the press that Yar'Adua had recovered sufficiently to enable his release from the hospital, but doctors advised against immediate travel. Another report said the Presidential Villa had received two mobile hospital units "the size of Coke machines" to provide for dialysis and handle his heart condition.

14. (C) Agriculture and Water Resources Minister Abba Sayyadi Ruma, a close friend of President Yar'Adua, told the Ambassador January 26 that he last spoke with Yar'Adua two weeks ago. He described Yar'Adua's speech as weak but coherent. Ruma expected that Yar'Adua could return to Nigeria within 30 days, given that, according to his contacts, the President has responded "better" to the current treatment. Ruma said that the court's decision that it has no standing on Yar'Adua's health is an important point. He noted that the January 27 FEC meeting would be tough as it could effectively render to the Senate only two recommendations: Yar'Adua is not "permanently incapacitated" -- or he should resign or face impeachment.

15. (C) DAO and other Mission offices continue to run the traps on reports of coup plotting. Our contacts note that Chief of Army

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Staff Lieutenant General Dambazau restricted the movement of military units to prevent divisions between the public and the military over their role in quelling communal violence after reports that some rioters in Jos had worn army uniforms. He told the press that rumors of a coup are "unnecessary, unwarranted, and inflammatory." Chief of Defense Staff Air Marshal Paul Dike added that the Nigerian military would "leave politics to the politicians."

16. (SBU) The "mega-party" opposition movement may officially announce its formation January 30, further adding to the atmospherics surrounding Yar'Adua's prolonged absence. Former Vice President and Presidential candidate Atiku Abubakar told PolOff January 25 that he would return to Nigeria from South Africa four days later, presumably to lead the January 30 event. In addition to Atiku Abubakar, other key "mega party" leaders include retired General and former Head of State Mohammadu Buhari, former Sokoto Governor Attahiru Bafarawa, and Kano State Governor Ibrahim Shekaru.

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COMMENT  
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17. (C) Amid the swirl of rumors and political cross currents, it is unclear if the GON -- in the form of the next FEC meeting -- is finally at the crunch point in dealing with Yar'Adua's prolonged absence. Nevertheless, between the court order and the building political pressures to move beyond Yar'Adua, without overtly breaching Constitutional strictures, the FEC meeting looks likely to be difficult and painful for its participants, both tomorrow and in the near future, as the ball is in its court to begin to get Nigeria out of this Constitutional mess. END COMMENT.  
SANDERS